

Jun 30, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS, also  
known as  
Christ,

Plaintiff,

v.

U.S DEPARTMENT OF JUSTICE  
FBI MISCONDUCT DIVISION,  
SPOKANE COUNTY SUPERIOR  
COURT and STATE OF  
WASHINGTON DEPARTMENT OF  
SOCIAL AND HEALTH  
BEHAVIORAL HEALTH  
ADMINISTRATION EASTERN  
STATE HOSPITAL,

Defendants.

NO: 2:21-CV-00047-RMP

ORDER DISMISSING ACTION

§ 1915(g)

By Order filed May 12, 2021, the Court granted Plaintiff Charles Joseph  
Reevis thirty days to voluntarily dismiss this action. ECF No. 7. The Court found  
that Mr. Reevis's *pro se* complaint, filed while he was incarcerated at the Spokane  
County Corrections Center, did not name Defendants amenable to suit under 42

1 U.S.C. § 1983 and his claims were duplicative of those presented in other actions.  
2 *See id.* at 4–10. Consequently, Plaintiff’s claims were subject to dismissal under  
3 28 U.S.C. § 1915(e). *See Cato v. United States*, 70 F.3d 1103, 1105 n. 2 (9th Cir.  
4 1995); *Aziz v. Burrows*, 976 F.2d 1158, 1158–59 (9th Cir. 1992); *Adams v.*  
5 *California Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007).

6 Plaintiff is currently housed at Comprehensive Health Care - Yakima  
7 Competency Restoration, and is proceeding *in forma pauperis*, but without the  
8 obligation to pay the \$350.00 filing fee for this action. ECF No. 6. The Court  
9 cautioned Plaintiff regarding the preclusive effect that a dismissal of this action on  
10 the grounds enumerated in 28 U.S.C. § 1915(g) could have on his future ability to  
11 proceed *in forma pauperis* while a prisoner. ECF No. 7 at 10–11. Nevertheless,  
12 Plaintiff did not avail himself of the opportunity to voluntarily dismiss this action.

13 For the reasons set forth above, and in the Court’s Order Granting Leave to  
14 Voluntarily Dismiss, ECF No. 7, **IT IS ORDERED** that this action is  
15 **DISMISSED with prejudice** as frivolous, malicious, and for failure to state a  
16 claim upon which relief may be granted under 28 U.S.C. § 1915(e)(2).

17 Pursuant to 28 U.S.C. § 1915(g) a prisoner who brings three or more civil  
18 actions or appeals which are dismissed as frivolous or for failure to state a claim  
19 will be precluded from bringing any other civil action or appeal *in forma pauperis*  
20 “unless the prisoner is under imminent danger of serious physical injury.” 28  
21 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions of 28**

1 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the**  
2 **three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his**  
3 **ability to file future claims *in forma pauperis*.**

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
5 Order, enter judgment of dismissal with prejudice, provide copies to Plaintiff at his  
6 last known address, and **close the file**. The District Court Clerk is further directed  
7 to provide a copy of this Order to the Office of the Attorney General of  
8 Washington, Corrections Division. The Court certifies that any appeal of this  
9 dismissal would not be taken in good faith.

10 **DATED** June 30, 2021.

11  
12 *s/ Rosanna Malouf Peterson*  
13 ROSANNA MALOUF PETERSON  
14 United States District Judge  
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